

Exhibit 4

ORDINANCE NO. 2006-20

**AN ORDINANCE TO APPROVE A FINAL SITE PLAN,
AMENDMENTS TO ORDINANCE NO. 89-07,
A SPECIAL USE PERMIT
AND EXCEPTION TO THE ZONING ORDINANCE
CHIPOTLE MEXICAN GRILL
396 W. ARMY TRAIL ROAD
BLOOMINGDALE SQUARE SHOPPING CENTER**

WHEREAS, an application has been made by Chipman Adams, Ltd. (the "Petitioner") to the Village of Bloomingdale ("Village"), for approval of a final site plan for the conversion of a single-tenant commercial building to a multi-tenant building, amendments to Ordinance 89-07, an exception to permit outdoor dining, and a special use permit to permit the sale of alcohol in conjunction with the restaurant, and associated site, landscape, and parking improvements on the property legally described in Exhibit A which is located at 396 W. Army Trail Road in the Bloomingdale Square Shopping Center in Bloomingdale, Illinois ("Subject Property");

WHEREAS, the Subject Property is presently zoned B-3 PD;

WHEREAS, the Subject Property is bordered on the north by property located within the Stratford PD which is used for commercial purposes; and on the south, east and west by property zoned B-3 SP PD which is used for commercial purposes;

WHEREAS; a public hearing was held before the Plan Commission of the Village of Bloomingdale, Case No. 2006-108, on April 4, 2006;

WHEREAS, the Plan Commission filed its Findings of Fact and Recommendations dated April 20, 2006, with the Village Board; and

WHEREAS, the Board of Trustees of the Village has reviewed the Findings of Fact and Recommendations of the Plan Commission dated April 20, 2006, and adopts these findings.

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to its home rule powers as follows:

SECTION 1: The property which is the subject of this Ordinance is legally described in Exhibit A and is located at 396 W. Army Trail Road in the Bloomingdale Square Shopping Center in Bloomingdale, Illinois.

SECTION 2: Subject to the terms and conditions set forth in this Ordinance, Petitioner is granted approval of the following: a final site plan for the conversion of a single-tenant commercial building to a multi-tenant building, amendments to Ordinance 89-07, an exception to permit outdoor dining, and a special use permit to permit the sale of alcohol in conjunction with the restaurant, and associated site, landscape, and parking improvements on the Subject Property.

SECTION 3: Approval of a final site plan, amendments to Ordinance 89-07, an exception to permit outdoor dining, and a special use permit to permit the sale of alcohol in conjunction with the restaurant, all of which are granted by this Ordinance, shall be contingent upon the Petitioner's substantial conformance with the following plans and documents which were submitted to the Plan Commission and to the Village Board and which are incorporated into and made a part of this Ordinance, and shall govern except where they are inconsistent with the specific terms of this Ordinance:

- A. Architectural Floor Plan showing location of alcoholic beverage storage and dispensing, prepared by Chipman Adams Architects, April 24, 2006 (VB #6);
- B. Exterior North and West Elevations, prepared by Chipman Adams Architects, April 24, 2006 (VB #2);
- C. Exterior South and East Elevations, prepared by Chipman Adams Architects, April 24, 2006 (VB #3);
- D. Landscape Plan, prepared by Chipman Adams Architects, dated April 24, 2006 (VB #5);
- E. Updated Site Plan of Bloomingdale Square, prepared by Chipman Adams Architects, dated 3.13.06, Sheet PC 31 (VB #8);
- F. Article X - Special Use Standards #1-6, April 4, 2006;
- G. Copy of Ordinance #89-07, dated February 22, 1989;

- H. Letter addressed to the Planning & Development Coordinator, RE: Special Use Permit for alcoholic beverages, dated February 23, 2006.
- I. Patio Railing Details – line drawings – prepared by Chipman Adams Architects, April 24, 2006 (VB #1)
- J. Photos of Patio Railing, Patio Lighting Cut Sheets, prepared by Chipman Adams Architects, presented at the April 24, 2006 Village Board meeting. (VB #4)
- K. Signage Material Samples and photos of metal railing and trash gate, photos of existing building, prepared by Chipman Adams Architects, (Pet. Ex. # 11)
- L. Site Plan of Bloomingdale Square Shopping Center, prepared by Newcastle Properties, LLC, dated December 10, 1997 (VB #7)
- M. Landscape Plan and Signage Details, prepared by Chipman Adams Architects, dated March 13, 2006 (Pet. Ex. #10)

SECTION 4: The approvals in this Ordinance are further subject to Petitioner's compliance with the following conditions:

- A. Outdoor seating shall only be permitted with a maximum seating capacity of seven (7) persons with accessory outdoor speakers and music; provided, however, said outdoor dining and speakers shall at all times be conducted in a manner necessary to avoid any adverse impact to surrounding property owners as determined by the Village in its sole discretion;
- B. Review and approval by Village staff of items submitted for the April 24 Village Board meeting to comply with the following recommendations of the Plan Commission Finding of Fact:
 - 1. Revision of the Landscape Plan to include the following:
 - a. Depict and identify all existing plant materials within the site including, without limitation, foundation plantings, parking island plantings, and those plantings within the Army Trail setback;
 - b. All proposed trees shall have a minimum caliper of 3";
 - c. Depict and identify flowering perennials within the Army Trail setback in lieu of some of the proposed junipers;
 - d. Depict and identify plantings within landscape planters installed in a manner to partially screen the proposed outdoor patio railing;
 - e. Indicate all proposed shrubs shall be planted at a spacing of 3'-4' on center;
 - 2. Cut sheets of the proposed patio railing providing catalog specifications of said railing;

3. Cut sheets of patio lighting details. Further, Petitioner shall use frosted glass on the patio fixtures.
- C. The height of the proposed free-standing ground-mounted monument sign shall not exceed 6 feet 9-1/2 inches as measured from the top of the adjacent curb;
- D. Sale of alcoholic beverages shall be limited to beer and margaritas served only during the restaurant's normal hours of operation being 11:00 a.m. to 10:00 p.m., Monday through Sunday;
- E. The patio lighting shall be extinguished daily upon the restaurant's closing. All patio lighting shall be installed in a manner necessary to reduce glare as determined by Village staff in its sole discretion;
- F. The project shall comply with the Assistant Village Engineer's memorandum, dated March 23, 2006;
- G. The project shall comply with the Fire Protection District's memorandum, dated April 4, 2006.
- H. Petitioner shall establish a policy and communicate such policy to its customers that for each customer, alcoholic beverages shall be consumed incidental to consumption of food; and
- I. Petitioner agrees to share the proposed free-standing ground-mounted sign with any restaurant that may occupy the second retail tenant space in the building as determined to be appropriate by the Village.

SECTION 5: The following amendment to the Village of Bloomingdale's Zoning Ordinance is hereby granted:

- A. An exception to Article 8.1(J)(2) to permit outdoor dining.

SECTION 6: The following amendment to Ordinance No. 89-07 is hereby granted:

- A. Conversion of a single-tenant commercial building to a dual-tenant restaurant and speculative retail tenant space building;
- B. Installation of a free-standing ground-mounted monument sign located along Army Trail Road not exceeding 6 feet 9-1/2 inches in height as measured from the top of the adjacent curb;
- C. Installation of a canopy and canopy sign on the northwest corner of the building;
- D. Installation of a dual dumpster trash enclosure to replace the existing smaller trash enclosure.

SECTION 7: The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent that there may be any conflict, except for the foregoing approvals and limitations. The Subject Property is subject to all terms and conditions of applicable ordinances and regulations of the Village, including, without limitation, zoning ordinances, building codes, subdivision regulations and regulations concerning the construction and design of antennas and satellite stations.

SECTION 8: Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding \$1,000.00, with each and every day that the violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other actions they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees of the Village.

SECTION 9: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law; provided, however, this Ordinance shall not take effect until the Petitioner's Consent attached to this Ordinance is executed by Petitioner agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within 45 days after the passage and approval of this Ordinance or within such extension of time as may be granted by the Corporate Authorities by motion prior to the expiration of the 45-day period. If the Petitioner's Consent is not executed within 45 days after passage and approval or within an extension of time granted during the 45-day period, this Ordinance shall be void and the Petitioner's application deemed abandoned.

PASSED this 8th day of May, 2006.

AYES: Trustees Gebis, King, Bolen, Von Huben, Dabrowski, and Czernek

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED this 8th day of May, 2006

A handwritten signature in black ink, appearing to read 'Robert G. Iden', written over a horizontal line.

Robert G. Iden, Village President

Attest:

A handwritten signature in black ink, appearing to read 'Susan L. Bartucci', written over a horizontal line.
Susan L. Bartucci, Village Clerk

PETITIONER'S CONSENT

The undersigned, Chipman Adams, Ltd., the Petitioner described in the foregoing Ordinance 2006-20, having read a copy of the foregoing Ordinance, does hereby accept, concur and agree to develop the Subject Property in accordance with the terms and conditions stated in the foregoing Ordinance. This consent shall be binding upon all parties in interest and all successors and assigns.

DATED this 14th day of JUNE, 2006.

CHIPMAN ADAMS, LTD.

By: [Signature]

Its: MANAGING DIRECTOR

SUBSCRIBED AND SWORN to before me

This 14th day of JUNE, 2006.

[Signature]
Notary Public

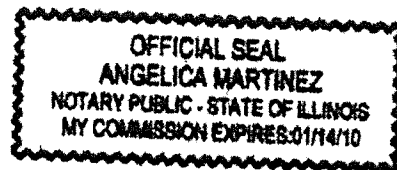


EXHIBIT A

LEGAL DESCRIPTION

Parcel 1 ("Stark" Property): Lot 1 in Stark's Second Assessment Plat of Part of the South $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section 20, Township 40 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded September 22, 1955 as Document 774285, in DuPage County, Illinois.

Parcel 2 (Trust No. 78-240): The Westerly 462.29 feet (as measured along the center line of Army Trail Road and parallel with the West line of Stark's Second Assessment Plat) of that part of the East $\frac{1}{2}$ of Section 20, Township 40 North, Range 10, East of the Third Principal Meridian, lying South of the Southerly line of Army Trail Road as dedicated by Document R79-28379, North of the Northerly line of the Illinois Central Railroad and East of the West line and the West line extended South of Stark's Second Assessment Plat recorded as Document 774285, (except that part thereof falling within Lot 1 of said Assessment Plat) in DuPage County, Illinois.

Common Address: 396 West Army Trail Road, Bloomingdale, IL 60108
Property Index Number: 02-20-400-012